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THE EIGHTEENTH BIENNIAL REPORT

of the

JUDICIAL COUNCIL

of

THE STATE OF NEW HAMPSHIRE

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INTRODUCTION

by

William W. Treat, Chairman

deTocqueville was the first to observe that Americans have a way of transforming many of their social problems into legal problems. America, more than other Western nations, relies on its judiciary to address and solve social issues. This tendency accounts in part for the growth in our judicial system, but it is not the whole answer.

With our increasing emphasis on due process and individual rights, we have made the American criminal process increasingly refined and complex. Along with the added complexity of the criminal procedure, there has been a large increase in the volume of crime. As the number of criminal cases has expanded so has the volume of litigation dealing with due process issues. Concomitant with the explosion in criminal litigation has been a growing commitment in America to provide the indigent with defense counsel at public expense.

New Hampshire has been particularly zealous in its efforts to provide counsel to the financially deprived. In 1966 we amended our constitution to provide that "every person held to answer in any crime or offense (emphasis added) punishable by deprivation of liberty shall have the right to counsel at the expense of the state if need is shown..."

In 1977 the Legislature requested the Judicial Council to administer the funds for the defense of the indigent pending permanent assignment to another agency. During the current biennium, the Council will have processed more than 8,000 separate invoices for legal counsel involving approximately $2,000,000. The review, verification, and processing of these invoices has been accomplished with an efficient but limited staff of one lone secretary and a part-time executive director. Since the program has frequently been without funds for months at a time, the administration of the fund has been complicated by recurrent law suits on behalf of unpaid counsel.

In 1979 the Indigent Defense Fund became seriously depleted and many lawyers who had performed services for the indigent could not be paid. Consequently, several of them brought suit against the state. On February 11, 1980, the Governor and Council transferred $50,000 to the fund and on March 25, 1980, the Legislature appropriated additional funds in the amount of $854,000. By the end of June, 1980, the Judicial Council staff had processed all of the accumulated invoices from attorneys and for the first time in seven years the state's obligation under this program was being met on a current basis.

In cooperation with representatives of the Courts, the Bar, the Legislature, and the Attorney General's Office, the Judicial Council proposed comprehensive policies for the administration of the fund. These have

been approved by the Supreme Court pending a trial period. In spite of inadequate funding, law suits, and a limited staff, the Judicial Council has processed the lawyers' claims in a professional and diligent manner.

The Council accepted the responsibility for this program when other judicially related agencies declined to accept it. Although the Council was not created as an administrative agency, it has accepted this additional responsibility pending further disposition of the matter by the Legislature. Adequate funding will greatly accelerate the processing procedure.

The Council staff has cooperated with the Statistical Analysis Center of the Attorney General's Office and the Public Defender Office to present the Legislature with statistical information which will enable the State to choose the most economical method of funding this program. The study provides, for the first time, a scientific basis for predicting future demands for legal services for indigents. It also compares the cost of the assigned counsel method of providing this service with the cost of the public defender system. The study demonstrates that a public defender system is more economical.

Among its more traditional duties, the Council has focused attention on a number of pending bills before the Legislature including bills pertaining to the insanity defense, our municipal and district courts, interest rates on judgements, a comprehensive revision of our corporate laws, the employment of attorneys in real estate purchases, and a disability and retirement program for the Superior Court.

In addition, the Council is studying the Masters Program as used for the adjudication of marital cases and other matters. Although the Superior Court has instituted a number of excellent reforms in the Masters Program, there remains some concern among many members of the Bar about the vastly increasing role of this non-constitutional adjunct to our Judiciary.

The Council has under active consideration various proposals relating to the disposition of family matters that are now heard by three separate trial courts. There is a strong belief among many that family matters ought to be consolidated into one tribunal separated from the criminal process.

As the only body charged by statute with collecting and publishing statistics on the New Hampshire Court system, the Judicial Council has worked with the courts to improve the data collected. Beginning with the 1982 Biennial Report, the Council will augment its volume statistics with statistics derived by sampling. In addition, an interpretive text will be added to the statistical data.

We mentioned in our previous report that one of the issues facing the courts today is an improved "delivery mechanism". Our court system could be vastly more efficient, cases could be disposed of in less time and at less cost, if we would make better use of the machinery that we have. For instance, we have full-time judges in our District Court system

who are not fully occupied for many months of the year. With modest changes in our structure these judges could be assigned for part-time duty in our general trial court system thus accelerating the disposition of cases without any additional expense for judicial compensation.

For more than two decades the Council has espoused a full-time court system, not because many of our part-time courts have not been of a very high quality. Indeed the judges on these courts have often been better trained and more technically qualified than those on courts of general trial jurisdiction. And yet as the volume and complexity of the case load increases the Council has strongly favored full-time courts with professionally trained judges.

In 1961 the Council recommended that the number of Municipal Courts in the state be gradually reduced by enacting legislation with a "grandfather" clause permitting the courts to expire upon the death, resignation, or retirement of the sitting judge. This legislation has resulted in a substantial reduction in the number of courts and an increase in the number of full-time courts.

A century ago many of the courts in our country operated on the "fee system". Under this system the litigants paid a "fee", the amount of which was often discretionary with the judge, and the income was used to pay the costs of the court and the salary of the judge. The system was open to much abuse and was justly subject to considerable criticism. New Hampshire abolished the fee system in its Municipal Courts over thirty years ago.

However, there still lingers a so-called special session fee in our Probate Courts which is paid by litigants who choose to have matters heard on days other than on regular session days. While this system has survived with remarkably few complaints, it is inconsistent with a professional judiciary. It is no longer tolerable in a modern court system where court costs are paid out of general funds. The New Hampshire court system cannot be considered as having joined the twentieth century until the fee system has been totally abolished.

In previous reports we have alluded to the public participation in the proceedings of the Judicial Council. The Council is the only forum in New Hampshire where citizens may appear in open session, with or without invitation, and air their views of court administration and the judicial system. It is the only judicially related group that has representatives from all of the courts as well as the public. The Council is funded solely by state funds and is free of dependence on -- and the inevitable domination by -- the federal bureaucracy. Because it fulfills this unique role it has become the cornerstone of an improved judicial administration.

The most effective service to one's state often originates with those who provide their time and talents without compensation. For 35 years some of our most distinguished judges, lawyers, and citizens have contributed many hours of their time to the work of the Council. As Blackstone said in his Commentaries, "There is not a more necessary or more certain maxim in the frame and constitution of society, than that every individual must contribute his share to the well being of the community".

The Council members have indeed contributed much to the "well being of the community".

We are pleased to submit this, our 18th Biennial Report, to the Governor and Council and members of the General Court. Within its covers you will find many helpful insights, a compendium of judicial statistics and an analysis of several pending legislative matters. The Council and its members will from time to time meet with members of the General Court to provide the Legislature with the results of its studies.

William W. Treat
Chairman

December 1, 1980

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SPECIAL COMMITTEES

Senate Bill 195 relative to the insanity defense

Judge Walker, Chairman
Acting Attorney General Smith

House Bill 459 relative to State District Court system

Mr. Rolli, Chairman
Judge Kidder
Mr. Safford

(Special Committees cont.)

House Bill 551 providing permanent disability and retirement programs for the Superior Court

Acting Attorney General Smith, Chairman
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House Bill 589 concerning an increase in the statutory interest rate on judgements

Mr. Nixon, Chairman
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House Bill 778 relative to employment of an attorney to handle closing transactions on real property purchases

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House Bill 819 relative to comprehensive revision of the business corporation statute

Mr. Middleton, Chairman
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Committee on Administration of the Indigent Defense Fund

Mr. Nixon, Chairman

Committee to Study the Master System

Mr. Nixon, Chairman
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Committee to Study Family Court Proposals

Mr. Kidder, Chairman

SENATE BILL 195 (1979)

PROVIDING A NEW DEFINITION OF CRIMINAL INSANITY AND FOR WAIVER OF PHYSICIAN-PATIENT PRIVILEGE ON PLEA OF NOT GUILTY BY REASON OF INSANITY

Not Recommended

RSA 628:2 of the present Criminal Code provides that "a person who is insane at the time he acts is not criminally responsible for his conduct." Senate Bill 195 would amend this statute by providing that "a person is not criminally responsible for his conduct if when he acted he lacked, because of mental disease or defect, substantial capacity to conform his conduct to the requirements of the law." The proposed legislation then proceeds to define mental disease or defect as:

> "any abnormal condition of the mind which substantially impairs the capacity of a person to control his actions. An abnormality manifested only by repeated criminal conduct or the excessive use of drugs or similar substances in and of itself does not constitute a 'mental disease or defect'."

The present RSA 628:2 by express language abolished the procedural distinctions which previously attended a plea under the statutory or common law of criminal insanity, but did not attempt to define insanity nor provide any guidelines for the process by which the determination of insanity is to be made. This left in effect the prior common law on criminal insanity as enunciated by Judge Dow more than 100 years ago in State v. Pike, 49 N.H. 399, 422 (1870), and reiterated in State v. Jones, 50 N.H. 369 (1871), that "all tests of mental disease are purely matters of fact" to be determined by the jury. It was the intent of the framers of the Criminal Code as enacted by the 1971 Legislature to leave both the fact of the existence of mental disease and the fact of its effect on an accused as questions of fact for a jury to decide. Report of Commission to Recommend Codification of Criminal Laws, 30 (1969).

One knowledgeable commentator who has written extensively in this field points out that New Hampshire is unique in being the only state to leave it completely up to the jury, or trier-of-fact, to decide, as any other fact would be decided, whether the accused had a mental disease and, if so, what effect that disease had on his actions. Reid, the Working of the New Hampshire Doctrine of Criminal Insanity, 15 Miami L. Review 14 (1960): Reid, Understanding the New Hampshire Doctrine of Criminal Insanity, 69 Yale L.J. 367 (1960).

The genesis of the New Hampshire rule is generally stated to be State v. Pike, 49 N.H. 399, 407 (1870), in which the majority upheld the trial court's instruction to the jury "that whether there is such a disease as dipsomania, and whether the defendant had that disease, and

whether the killing of Brown was the product of the disease, were questions of fact for the jury." In a separate opinion (enlarging upon his dissent that lay persons should be permitted to give their opinion on insanity), Judge Dow discussed the then prevailing medical and legal theories of criminal insanity including the McNaughton rule of knowledge of right and wrong, and the ability to adhere to the right. He then concurred with the majority opinion:

> "Whether the old or the new medical theories are correct is a question of fact for the jury; it is not the business of the court to know whether any of them are correct... It is often difficult to ascertain whether an individual had a mental disease and whether an act was the product of that disease; but these difficulties arise from the nature of the facts to be investigated and not from the law; they are practical difficulties to be solved by the jury, and not legal difficulties for the court." Id at 438.

Recently our Supreme Court in State v. Plummer, 117 N.H. 320 at 327 (1977), reiterrated this long-held view that:

> "In this state there are no legal rules which either define a mental disease or determine when a defendant's actions are the product of such disease... Under our decisions insanity is not limited either as a matter of law or by clinical designation to certain types of diseases."

and set a pre-condition for the introduction of evidence:

> "...We hold that it is only when the defendant claims that his condition...constitutes a disease or insanity which renders him incapable of exercising his volition and this constitutes a complete defense to an alleged criminal act that he will be allowed to present evidence of this condition." (Underlining supplied.)

There is obvious utility in a rule of law which avoids both encroaching into the science of medicine and the necessity of constantly adjusting to shifting and conflicting medical theorems of the day. Leaving this to a jury, as would any other medical fact to be proven, is as useful today as it was in Judge Dow's time.

The proposed legislation adds the new term of mental "defect" in addition to "disease" and defines them as "any abnormal condition of the mind which substantially impairs the capacity of a person to control his actions." The additional new terms of "defect, abnormal condition of the mind" and "substantially impairs" all broaden and diffuse the Plummer case "product of a mental disease" test which renders an accused "incapable of exercising volition."

Whether as a matter of social experimentation the Legislature should advance into the field of medicine on this particular area of criminal insanity and in which the courts of this state for the past 100 years have declined to intrude is for others to say. However, the Judicial Council is of the opinion that a proper balance is served by the present case law leaving it up to the jury to decide on the current state of the medical evidence which may be presented by the prosecution or defense.

Another aspect of Senate Bill 195 is the provision that a defendant who relied on the insanity defense would thereby waive the privilege of confidentiality that would attach to his communications "whenever had, or to be had, with physicians and with psychologists insofar as the information sought is relevant to issues in the case."

Neither the physician-patient privilege nor the psychologist-patient privilege existed in this state at common law. State v. Kupchun, 117 N.H. 412, 416 (1977). These privileges were created by the Legislature in 1969 (RSA 329:26) and in 1957 (RSA 330-A:19), and the Legislature is of course empowered to limit their application -- within the framework of constitutional guarantees.

The Judicial Council has previously cautioned against expansion of the privilege of confidentiality because it limits inquiry into areas of fact and truth which are essential to trials. See 16th Biennial Report of the Judicial Council 26 (1976). Moreover, the New Hampshire Supreme Court has held that the privilege of confidentiality conferred by the statutes is not absolute; it must give way when it conflicts with constitutional privileges or with the trial court's access to essential information.

In Kupchun, supra, the Supreme Court held that the provisions of RSA 329:26 (Supp. 1969), pertaining to physician-patient privilege, and RSA 330-A:19 (Supp. 1957), pertaining to psychologist-patient privilege, must yield when the evidence is essential to the trial court. The defendant in this case had been committed to the state hospital on his plea of not guilty by reason of insanity. On a subsequent hearing for release under RSA 651:11-a (Supp. 1975), the Court found that disclosure of the otherwise privileged information was essential because without it, the Superior Court would be unable to fulfill its statutory duty to determine whether it would be dangerous for the defendant to go at large. However, any admissions made by the defendant while confined could not be used for any other purpose and remained otherwise privileged.

In another recent case, State v. Farrow, 116 N.H. 731 (1976), the Court held that the privilege must yield when in conflicts with a constitutional right. In this case, the issue was the extent to which the confidentiality privilege of a State's witness must give way to the defendant's sixth amendment right to cross-examine the witness for the purpose of showing the unreliability of his testimony. Once again, the Court limited the use of this information to what would be essential to an adequate cross-examination.

With or without the statutory protection of confidential communications, defendants are protected from self-incrimination by the New Hampshire Constitution, Part First, Article 15. In Kupchun, supra, the Court held that any admissions the defendant made in the course of his confinement which are revealed at a hearing on a petition for release could not otherwise be used against him. And although a defendant's voluntary admission of information to the state's medical experts is admissible, In Re Moulton, 96 N.H. 370 (1950), a trial court cannot compel a defendant to disclose to medical experts information which might tend to incriminate him. Sevigny v. Burns 108 N.H. 95 (1967).

The provisions of Senate Bill 195 waiving confidentiality would enable the state to obtain information from a defendant's present or former psychiatrists or psychologists. On the insanity issue, the state's burden has been lightened by Novosel v. Helgemoe, 118 N.H. 115, 127 (1978), in which the Court reversed earlier case law requiring the state to prove a defendant's sanity beyond a reasonable doubt and put the burden on the defendant as an affirmative defense. The Court stated that when a defendant pleads not guilty by reason of insanity, he has in effect confessed to the act and therefore has the burden to prove his insanity in order to avoid punishment.

RSA 135:17 authorizes the Superior Court to order a pre-trial psychiatric examination of any defendant bound over or indicted if any question of the defendant's insanity is raised by either the prosecution or defense. Under this compulsory process, the examination may be conducted by psychiatrists of the state. Such an examination obviously requires a balancing of the interest of the state and the defendant.

Since the Supreme Court in the Kupchun and Farrow cases has already held that in the absence of constitutional rights of a defendant, a trial court may compel a physician or psychologist to testify in appropriate cases, the Judicial Council declines to recommend adoption of the waiver portion of the proposed legislation.

HOUSE BILL 459 (1979)

CREATING A FULL-TIME STATE DISTRICT COURT SYSTEM

Recommended with Amendments

House Bill 459 is the most recent and most refined in a series of bills which have been presented to the Legislature in recent years to correct deficiencies in the present District and Municipal Court system. The Bill provides for a state-supported District Court system with full-time judges. The new system would be phased in over a period of four years in order that the General Court might exercise its legislative oversight before the changes take effect in the large southern counties.

Under the present system there are 41 District and 15 Municipal Courts in the State, each funded by the local municipality and housed in quarters by the separate municipalities in which the courts are seated. House Bill 459 would eliminate the smaller courts and centralize the courts in the respective counties while at the same time allowing the establishment of branch or satellite courtrooms throughout the judicial districts.

The Judicial Council supports the centralization of District courts. However, we recommend that sessions of the District Court be held in named cities and towns throughout the District because much opposition towards creation of a State District Court system has, in the past, been generated by Legislators who do not wish their constituents to face the requirement of extended travel to appear in court. Past legislative sentiment indicates that at the District Court level the judges should "ride circuit" to the various communities classified as population centers.

The Judicial Council supports the concept of a full-time judiciary at the District Court level. A full-time judiciary would eliminate the conflicts, real or apparent, that the public perceives in the present part-time judiciary. Testimony at legislative hearings has repeatedly reflected the public's concern that the presiding judge in a District Court before whom an attorney must appear may also be the attorney's opposing counsel in a Superior Court civil case.

The 1979 New Hampshire Court System Comprehensive Plan sets a high priority on the requirement that all judges serve on a full-time basis. Its parent document, the New Hampshire Court System Standards and Goals, published in 1977, advocates full-time judges for reasons in addition to the conflict issue:

> the court system cannot assign a part-time judge to relieve judges in overburdened courts because of the limited judicial skills of many part-time judges; part-time judges are less likely to be familiar with the latest legal developments and decisions; access by litigants to part-time judges

> is far more limited than in a full-time court; and part-time judges, because their hours on the bench are only a part of their working day, are less responsive to the needs of the courts as a system.[1]

Section 502-B:4,IV of House Bill 459 provides that the Chief Justice of the Supreme Court may appoint qualified persons to serve as acting judges to hear and determine cases in the courts established by this Chapter. We call attention to this section because it conflicts with the concept of a full-time judiciary and because judicial appointments are the prerogative of Governor and Council.

One of the strengths of the Bill is its proposal of a unified budget system. Under authority of an order of the Supreme Court issued on February 15, 1980, the Director of the Administrative Committee of the District and Municipal Courts has established a uniform docketing and bookkeeping system. As a result, the courts are in an excellent position to move toward a unified budget, a change that will result in increased efficiency and economy.

Section 502-B:9 recommends that each District Court have jurisdiction over certain offenses defined by maximum sentence. Because the Legislature has recently made amendments changing certain sentencing provisions in the Criminal Code and is likely to do so in the future, it is recommended that original jurisdiction of the District Court be defined as pertaining to crimes and offenses defined by the Criminal Code as Misdemeanors and Violations. Future amendments would not be necessary as the Legislature varies the maximum penalties for such offenses.

Section 502-B:14,I of the proposed legislation provides that in the event a case in controversy exceeding five hundred dollars shall be marked for jury trial by one of the parties, the Plaintiff shall pay the Superior Court entry fee and cost of transferring the case. It is recommended that this section be amended to provide that the party requesting that the case be heard before a jury should pay for the cost of transfer and entry fee.

Section 502-B:21 provides that the first Tuesday of every month is Return Day in civil action to recover damages, "except as otherwise provided." Provision should be made for recognizing that a landlord and tenant eviction proceeding should have a return day set for the next session of court after seven days from date of service.

Section 502-B:38 provides that the Court Administrator with the advice of the Chief Judge shall provide necessary facilities for the Courts created under the Chapter. The Section authorizes the Court Administrator to enter into rental or purchase agreements with cities or towns to obtain physical facilities, furniture, and equipment owned by the municipalities and used by local District Courts. It is recommended that no contract be entered into by the Court Administrator without the consent of the Chief Judge rather than merely "advice".

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1. Standard 16.1, page 422.

House Bill 459 meets objections voiced by opponents of previous District Court reform bills by providing suitable job protection for present full-time District Court judges. Adequate provisions are also made for the suspension of disabled judges and judges otherwise unable to perform their duties.

The Judicial Council has recommended the general concept of a full-time, state-supported District Court system for a decade. With this report the Council reaffirms its support.

HOUSE BILL 589 (1979)

PROVIDING FOR INCREASE OF INTEREST ON JUDGEMENTS

Recommended with Amendments

House Bill 589 would amend RSA 336:1 by increasing the rate of interest now paid on judgements from 6% ("six dollars on a hundred dollars for one year") to 10% ("10 dollars on a hundred dollars for one year").

The present statute, providing for only 6% interest on judgements, has been in effect for more than two hundred years. 3, Laws, N.H. 515 (1769).

Past efforts to make the recoverable rate of interest more realistic have failed. See, for example, House Bill 695 (1973) and 15th Biennial Report, N.H. Judicial Council, pp. 13-14 (1973).

The purpose of providing for interest on judgements is important, clear and twofold in nature. In the first place, it is designed to discourage frivolous appeals by defendants who have had verdicts rendered against them and who bring an appeal for the primary purpose of forcing the prevailing party into accepting a "discounted" recovery as an alternative to the delay and expense of awaiting the outcome of the appellate procedures. See Pepin v. Beaulieu, 102 N.H. 84 (1953). By discouraging frivolous appeals, the interest on judgements helps to expedite the disposition of litigated matters and enables other cases to be heard more expeditiously.

An even more important function of the provision for interest on judgements is to compensate injured or damaged claimants for the loss of the use of their money from the date of such loss until the date of recovery -- which may be a period of several years. Shepard v. General Motors Corp., 423 F 2d 406 (1970).

Skyrocketing inflation is proving a bonanza for defendants and their insurers who are subject only to the present 6% interest rate on previously rendered verdicts, at the expense of the intended recipients of such verdicts.

Assuming arguendo that the present statutorily-fixed rate of interest on judgements is unrealistically and unfairly low, the question presents itself as to what a fair rate should be. House Bill 589 proposes a 10% rate of interest. But at a time when the "prime rate" is in the 18% range, even this proposed increase is inadequate to accomplish the twin goals of judgement interest. What is needed is a rate that will reflect as closely as possible the actual cost of borrowing money at the time of the verdict in question, such as the Federal Reserve Bank discount rate in effect on the date of the verdict. In addition, the statute relating to interest should make clear that the interest accumulates from the date

of the "wrong" in question to the date of payment, regardless of the date suit is filed, a verdict is rendered, or judgement is obtained. Finally, no technical insurance policy provision or interpretation should be allowed to deprive a wronged claimant of an adequate recovery when a verdict has been returned in his favor, such as occurred in the case of Walker v. Walker, 108 N.H. 341 (1967).

Accordingly, it is respectfully recommended that House Bill 589 (1979) be reported back to the House of Representatives as "ought to pass with amendment", as follows:

Amend the bill by striking same in its entirety and substituting the following therefor:

1. Interest Rate; Judgements.

I. Amend RSA 336:1 by striking out said section and inserting in place thereof the following:

336:1 Rate of Interest. In rendering judgements, and in all business transactions where interest is paid or secured, unless a different rate is expressly stipulated in writing, interest shall be computed and paid at the discount rate of interest as promulgated by the Federal Reserve Bank Board in effect upon the date on which a verdict is rendered or a finding for pecuniary damages is made, as certified by the clerk of court.

II. Amend RSA 524:1-b, as amended by Laws, 1969, ch. 187:3, 358:3, by striking same in its entirety and substituting the following therefor:

524:1-b. Interest from Date of Injury, etc. In all other civil proceedings at law or in equity in which a verdict is rendered or a finding is made for pecuniary damages to any party, whether for personal injuries, for wrongful death, for consequential damages, for damage to property, business or reputation, or for any other type of loss for which damages are recognized, there shall be added forthwith by the clerk of court to the amount of damages interest thereon from the date of injury, consequential damages, death, or the commencement of damage to property, business, or reputation, as the case may be, as determined by said clerk of court, to the date of such verdict or finding even though such interest brings the amount of the verdict or finding beyond the maximum liability imposed by law. Notwithstanding any provision to the contrary contained in any agreement or insurance policy, the obligation of an insurance company to pay interest on any verdict or finding for pecuniary damages shall be the same as that of its insured.

HOUSE BILL 778

EMPLOYMENT OF AN ATTORNEY TO HANDLE CLOSING TRANSACTIONS ON REAL PROPERTY PURCHASES

Not Recommended
Alternative Proposed

House Bill 778 would permit the purchaser of real property "to employ any attorney of his choice licensed to practice law in this state to examine the title" for the lending institution and "to handle all other transactions required by said institution in the closing of real property purchases." The attorney would be required to provide the purchaser with a copy of his certification of title. The attorney would also be required "to give the lending institution evidence of adequate liability coverage" or alternatively, the purchaser would be required "to obtain proper title insurance covering the property which is the subject of the loan for the protection of the lending institution."

Although this bill seems intended to benefit the consumer, it would actually create more problems and costs for both consumers and banks, and the only groups which would consistently derive benefits from House Bill 778 would be the attorneys and title insurance companies.

This bill, if adopted, would compel a lending institution to accept for its mortgage title purposes the opinion and work of an attorney about whose competency in this area the bank may have little or no knowledge. There is considerable question whether a lending institution can constitutionally be compelled to employ a particular attorney or accept that attorney's work product. If the lending institution hired its own attorney, there exists the prospect of adversary proceedings in closing real estate purchase transactions. Currently, the purchaser can hire his own attorney for the protection of his interest, and it may be desirable for lending institutions to so notify the purchaser.

A Special Committee on Banking Laws and Practices of the New Hampshire Bar Association has investigated various considerations in this area. The Committee unanimously opposes House Bill 778 "as unworkable, unnecessary and costly to the consumer, and violative of lenders' rights concerning mortgage forms and security considerations." See Recommendation and Report to Board of Governors, New Hampshire Bar Association Special Committee on Banking Laws and Practices of November 12, 1980.

The Bar Committee has recommended a substitute statute which would better fulfill the interests of the borrower and the lender, as well as others affected.

The Judicial Council is of the opinion that this substitute bill provides a better resolution of the problem than does House Bill 778 and therefore recommends the favorable consideration of the legislature to the substitute bill appended to this report.

NEW HAMPSHIRE HOME BUYER'S TITLE PROTECTION NOTICE ACT

Section 1. Definitions

1.1 "Buyer" means a person who acquires title to residential property financed in whole or in part at the time of such acquisition by a loan secured by such residential property.

1.2 "Mortgagee" means a person who is in the business of making loans to finance the acquisition of residential property which loans are secured by such residential property.

1.3 "Person" means an individual, partnership, corporation, trust or other legal entity.

1.4 "Residential Property" means real property which is:

1.4.1 improved with a dwelling containing not more than four separate family units, one of which is to be owner occupied; or

1.4.2 unimproved property the acquisition of which by the buyer is financed in whole or in part by a loan for construction of a dwelling described in 1.4.1.

1.5 "Title Protection Document" means a lawyer's title opinion, title certificate, or title insurance policy, as to the state of the title of residential property.

Comments Concerning Section 1.

Comments re Section 1.1 "Buyer"

The Act is intended to protect a buyer of residential property who at the time of acquisition obtains financing therefor. Thus:

(a) A cash buyer, who does not obtain a loan to acquire residential property, is excluded from coverage under this Act;

(b) An owner who obtains a refinancing loan, or a home improvement loan, or a construction loan other than that described in Section 1.4.2 is excluded from coverage under this Act;

(c) An installment land contract is excluded from coverage under this Act;

(d) A buyer who assumes an existing mortgage is within this definition if a Title Protection Document is issued.

Comments re Section 1.2. "Mortgagee"

(a) A person whose loan is secured by a mortgage, deed of trust, or similar document is a Mortgagee within the meaning of this Act, including customary second mortgage lenders.

(b) A seller of residential property who takes back a mortgage or deed of trust or retains a lien against the property to secure the purchase price in whole or in part also is a Mortgagee under this Act.

Section 2. Notice to Buyer

2.1 A Mortgagee which obtains a title protection document with respect to a loan subject to this Act, and does not provide the buyer with a title protection document, shall cause written notice to be given to the buyer at the time Mortgagee issues a commitment, in a form that contains the following statements:

NOTICE

To: _____(Name(s) of Buyer(s))

Re: _____(Address or other brief description of property)

_____

Your lender is obtaining a title protection document which may be in the form of a lawyer's title opinion, title certificate, or title insurance policy as to the state of the title of residential property. Although you may pay for this written assurance as a part of the cost of obtaining financing, this title protection document protects only the lender and not you.

If you desire your own title protection document, you can obtain it at an additional cost to you. You may obtain this protection through the attorney performing the title work for the mortgagee, through your own attorney, or through the purchase of a title insurance policy. In the event you wish to inquire further about this protection or to request such protection, please do so within two (2) days of receipt of this notice.

You should also be aware that in a title protection document there are general exceptions covering areas that are not certified to or otherwise covered or protected. These customary exclusions are: (1) rights or claims of parties in possession not shown by the public records; (2) encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey and inspection of the premises; (3) easements or claims of

easements not shown by the public records; (4) any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records; (5) taxes or special assessments which are not shown as existing liens by the public records; (6) effect or application of land use regulations (such as building codes, zoning ordinances, subdivision regulations).

You should feel free to seek independent legal advice as to whether to obtain your own title protection.

_____ _____

Date Name of Person Issuing Notice

This is to acknowledge receipt of the foregoing notice.

_____ _____

Date Signature(s) of Buyer(s)

2.2 Proof of written notice consists of acknowledgement in writing from the Buyer of the receipt of the notice.

2.3 The requirements of Section 2 cannot be waived by the Buyer.

Section 3. Failure to Comply

3.1 Failure to comply with Section 2 shall subject the person required to give notice under Section 2 to a penalty of $100 payable to the Buyer, plus the costs of any action to recover the penalty, including reasonable attorney's fees.

3.2 No action shall be brought to recover the penalty provided in Section 3.1 after two (2) years from the date of issuance of the Title Protection Document.

Comment Concerning Section 3.2

Statute of Limitations: a two-year period is recommended to be consistent with existing Statutes of Limitations, and the shorter period is recommended.

HOUSE BILL 819 (1979)

RELATIVE TO COMPREHENSIVE REVISION
OF THE BUSINESS CORPORATION STATUTES

Recommended

House Bill 819 would constitute a substantial revision of the New Hampshire corporation laws and would repeal RSA Chapters 294 (business corporations), 297 (voting trusts), 298 (suits against stockholders) and 300 (foreign corporations). This Bill, 146 pages in length, was introduced in the House on April 5, 1979, and referred to the House Judiciary Committee. On April 18, 1979, the Judiciary Committee voted to refer the Bill for Interim Study because the Committee was "without proper time for due consideration." (House Journal, pp. 259, 398).

This Bill was prepared by a Special Committee of the New Hampshire Bar Association created in 1976 on recommendation of the Office of the Attorney General to consider specific areas of amendment to Chapter 294. The original concern of the Office of the Attorney General related to the responsibilities imposed on it by that Chapter to review corporate documents prior to filing. The Committee, in its review of the statute, found that while many provisions of the statute were badly dated and not in keeping with modern corporate practice, other areas of practice were not covered by any statute. This Special Committee recommended certain amendments, which it deemed especially critical, to the 1977 Legislature and these amendments were substantially enacted in Laws of 1977, Chapter 407. The Special Committee continued its study and proposed the sweeping amendments found in House Bill 819.

House Bill 819 is drawn in large part from the provisions of the Model Business Corporation Act drafted by the American Bar Association Committee on Corporations and amended from time to time by that Committee. While the Bill clearly follows the Model Act, it retains several elements of the current New Hampshire statutory scheme, including existing formulas for determining fees and fee schedules, with some increase in revenues, for other filings under the proposed law.

The last major revision in the New Hampshire Business Corporation Statute occurred in 1919 (Laws of 1919, Chapter 92) and since that enactment, the Legislature has from time to time made piecemeal amendments. The overall effect has been a law which accords to modern corporate practice in some respects but remains archaic in other areas. With the passage of 60 years, a complete review clearly is in order. A modernization of the corporation laws is especially important in view of the growing interest exhibited by many businesses, including some major corporations, in establishing branches and even headquarters in New Hampshire in recent years. A significant consideration in such decisions is whether the state has a modern corporation law which will facilitate doing business in that state. The utilization of the Model Act as a framework for this major revision is particularly appropriate because it incorporates not only what

many view as the best thinking available but will make this state's law more uniform with the laws of other states. Finally, the provisions of House Bill 819 will clarify the creation, operation, merger and dissolution of corporations.

A detailed analysis of all of the provisions of this statute would be too cumbersome and lengthy to be useful. Some of the highlights of House Bill 819 should be mentioned. As noted above, House Bill 819 would retain the present formulas for determining fees and present fee schedules. It establishes a new, and presumably easier, practice for the filing of corporate documents by requiring the filing of duplicate original documents, one of which is retained by the Secretary of State and the other returned with the Certificate evidencing its filing. The present office of Clerk is replaced by the more generally accepted office of Secretary, but the statute would continue the present requirement that that officer be a resident of this state. Also, the Act designates the Secretary as the registered agent of the corporation and his business or residence address as the registered office of the corporation.

House Bill 819 would retain the present provisions of Chapter 294 adopted in 1977 which greatly facilitate the operation especially of small corporations by allowing actions by unanimous consent instead of requiring that meetings be held. The present requirement of three incorporators is eliminated by the Act and the Act specifically provides that a domestic or foreign corporation may serve as an incorporator. Present obsolete requirements of par value of one dollar or more and a minimum capitalization of $1,000 would be eliminated and, under the proposed law, fractional shares and scrip may be issued. "Articles of Agreement" would become "Articles of Incorporation" but the present provision regulating corporate purposes is retained. House Bill 819 contains a lengthy statement of "General Powers" -- which eliminates the necessity for each corporation's Articles of Incorporation to enumerate these general powers. Other areas not previously covered by New Hampshire statutes are codified, such as directors' responsibilities and standards of conduct.

Major changes from the present statute occur in the greatly expanded provisions in House Bill 819 relating to redemption of shares, dissolution, liquidation, merger and consolidation, and rights of dissenting shareholders. The Bill continues the present requirement of an Annual Report and preserves the present format of that report. It would merge the present provision relating to Voting Trusts (Chapter 297) with the new Chapter on business corporations. House Bill 819 would continue the present requirement of registration and would regulate so-called Massachusetts Trusts or business trusts. New provisions also include sections specifically providing for appeals to the Superior Court from certain actions of the Secretary of State and the utilization of interrogatories by the Secretary of State. Finally, the Bill includes a new provision defining what conduct of a foreign corporation will not be construed as "doing business" in New Hampshire for the purposes of that Chapter.

House Bill 819, while necessarily lengthy and complex, would bring New Hampshire corporation law more in line with modern corporate practice while retaining many of the better features of the present statutory scheme. The Judicial Council, after study, recommends its adoption.

PROPOSED CONSTITUTIONAL AMENDMENT

REGARDING

REGISTERS OF PROBATE

The only judges in the State Judicial System that do not have the Constitutional right to appoint their clerks are the Judges of Probate. Part II, Article 81 provides as follows:

> (Clerks of Courts, by Whom Appointed.) The judges of the court (those of probate excepted) shall appoint their respective clerks to hold their office during pleasure: And no such clerk shall act as an attorney or be of counsel in any cause in the court of which he is clerk, nor shall he draw any writ originating a civil action.

Part II, Article 71 of the New Hampshire Constitution provides that registers of probate shall be elected by the inhabitants of the several towns, in the several counties in the state. Part II, Article 71 is as follows:

> (County Treasurers, Registers of Probate, County Attorneys, Sheriffs and Registers of Deeds Elected.) The county treasurers, registers of probate, county attorneys, sheriffs and registers of deeds, shall be elected by the inhabitants of the several towns, in the several counties in the state, according to the method now practiced, and the laws of the state, *Provided nevertheless* the legislature shall have authority to alter the manner of certifying the votes, and the mode of electing those officers; but not so as to deprive the people of the right they now have of electing them.

The Constitution does not set forth the duties of the Office of Register of Probate. Historically, Registers of Probate have performed the duties of a clerk of court to some extent. Since registers are constitutionally elected officers, at least some registers, if not all, have maintained an independent attitude towards the court and have performed services usually assigned to clerks of court as a courtesy rather than as a legally imposed duty.

The degree of cooperation given by the register to the judge of the probate court varies from county to county.

Registers of probate as a practical matter are selected by the political committee of the party in power in the particular county. Invariably, lawyers who practice in the court have some part in this political selection. This is particularly true in any county where the incumbent register is not running for re-election. The register becomes a political person and is expected to assist his or her party in the election of

other county and state officers. The duties and function of registers of probate are unknown to the vast majority of the electorate. Therefore, the register is not truly elected by the people as a whole, but only a select portion of them. Since the Judge of Probate by Supreme Court Rule is prohibited from participating in political matters, he is prevented from having a voice in the selection of the person whose duties have historically and sensibly included and involved administering the Probate Court in a manner similar to that in which the clerks of other courts perform their duties.

Except for the requirement that a candidate must be of legal age, there appear to be no specific qualifications required to be elected to this office. A candidate need have no knowledge of the law, or any experience whatsoever. On-the-job training is the rule rather than the exception. There is no requirement for retirement at any age, and a register may be re-elected because of political acceptance beyond age 70, and beyond the time when he or she is physically or mentally capable of performing the duties of the office.

Since registers are elected officials they are not subject to the orders of the Supreme Court. This could pose problems in the field of administrative reform in the Probate Court. For example, if the register of probate has complete authority to appoint the deputy register and all the clerks, any attempt at including the Probate Court in a uniform personnel system for all court employees would be difficult, if not impossible, to effect.

Almost all agree that the long-term goals of the New Hampshire judicial system require that all judges be made full-time, and that no judges be allowed to practice law. As part of this goal, the office of register of probate should be eliminated by amendment of the New Hampshire Constitution, in order to remove this office from the field of politics and to include it within the judicial system. In the long run, the people will be better served. Clerks of court selected by the judges of the court would tend to have better professional qualifications than those nominated by the adversary political process. The necessary qualifications could be established by the court, by statute, or by both. The determination of whether or not a clerk is performing the duties of the office could be made by the court within the rules or guidelines established for employees of the judicial system.

It is therefore recommended that the following amendments be made to the New Hampshire Constitution:

1. Amend Part II, Article 71, by striking out the words "Registers of Probate" in said Article so that said Article shall read as follows:

> County Treasurers, County Attorneys, Sheriffs, and Registers of Deeds Elected. The county treasurers, county attorneys, sheriffs and registers of deeds, shall be elected by the inhabitants of the several towns, in the several counties in the state, according to the method now practiced, and the

laws of the state, *Provided nevertheless* the legislature shall have authority to alter the manner of certifying the votes, and the mode of electing those officers; but not so as to deprive the people of the right they now have of electing them.

2. Amend Part II, Article 81, by striking from the title thereof the words "Registers of Probate" and by striking out the words "register of probate" in said Article, and adding after the word "Judges" in the title and after the word "judge" in said Article, the words "of Probate", so that said Article shall read as follows:

Article 81. (Judges of Probate Not to Act as Counsel). No judge of probate shall be of counsel, act as advocate, or receive any fees as advocate or counsel, in any probate business which is pending, or may be brought into any court of probate in the county of which he is judge.

3. Amend Part II, Article 82, by striking out the words "(those of probate excepted)" in said Article, so that said Article shall read as follows:

Article 82. (Clerks of Courts, by Whom Appointed.) The judges of the courts shall appoint their respective clerks to hold their office during pleasure: And no such clerk shall act as an attorney or be of counsel in any cause in the court of which he is clerk, nor shall he draw any writ originating a civil action.

FAMILY COURT STUDY

The Judicial Council has twice in the past recommended that the jurisdiction of the Probate Court be extended to include family matters. Similar recommendations have been made by the Governor's Commission on Court System Improvement (1969) and from time to time have been proposed to the Legislature.

In 1970 the Council recommended passage with amendment of House Bill 921, which had been submitted to the General Court in 1969. (The Thirteenth Report of the Judicial Council, p. 19-23 and p. 132-138.) The Bill with amendments proposed by the Judicial Council extended jurisdiction to the Probate Court concurrent with the Superior Court over petitions for divorce, nullity of marriage, alimony, custody of children and allowance to a wife from her husband's property for support of herself and children. It provided for full-time probate judges and for appeals to the Supreme Court. The Judicial Council report noted that the increase of marital cases created a heavy burden for the Superior Court which the proposed legislation would alleviate.

The Judicial Council also agreed with the Governor's Commission on Court System Improvement that a change to a full-time Probate Court with marital jurisdiction would alleviate the fragmentation of jurisdiction over matters with important sociological implications.

In 1972, as a result of a Senate Joint Resolution adopted by the 1971 General Court, the Judicial Council participated in another study on the merits of a family court. The title of the study was "The Feasibility of Establishing a Non-adversary Juvenile and Domestic Relations Court in the State." (Fourteenth Biennial Report of the Judicial Council, p. 89-92.)

In this report the Council pointed out that a family court would alleviate unnecessary delay in the disposition of family-related problems, repeated hearings of the same evidence, potentially conflicting orders issued by different judges, and the waste of public and private time and funds. From the perspective of the behavioral roots of family problems, the report addressed the need for a close relationship between the court, the family, the caseworker, and the social agency.

In 1980 the Judicial Council has agreed to study family court proposals again. The Council will examine such things as court caseloads, personnel and facilities in the various courts to determine the impact of proposed changes. We will discuss proposals with judges and lawyers throughout the state and prepare a comprehensive report for the General Court.

THE INDIGENT DEFENSE FUND

In 1977 the Legislature transferred responsibility for the administration of the Indigent Defense Fund to the Judicial Council. Since that time, the volume of bills received for processing and the size of the appropriations needed to pay the bills has increased dramatically.

In January of 1980, when it began to be apparent that demands on the fund would exceed $1 million, Governor Gallen requested that the Statistical Analysis Center of the Office of the Attorney General analyze the available data to determine the causes of the increased demand as well as the prospects for the future. The study was released in December, 1980, just as this report was going to press. In addition to providing the General Court with information on which policy makers can base their decisions in the area of indigent defense, the report indirectly validates the Judicial Council's position that administration of the fund should be transferred to a more appropriate, administrative office.

Among the data generated in the preparation of the Statistical Analysis Center's report is documentation of the fact that in one year the volume of bills processed by the Judicial Council staff has nearly doubled. During the period from January to June of 1979, the Judicial Council staff processed an average of 54.8 bills per week. During the same period in 1980, the staff processed an average of 106 bills per week.

The appropriation needed to pay these bills in fiscal year 1980 was $1,129,000. The amount estimated in the report for fiscal year 1981 is $1,130,890. Based on our current experience, we believe that this figure is conservative and that the amount will be closer to $1,250,000. The amount estimated for the next biennium (fiscal years 1982-1983) is $3,119,382.

The report focuses on the cost per various type of case billed to the Indigent Defense Fund. It also compares the cost of the assigned counsel method of representing indigents with the cost of the same work when performed by the Public Defender. These data were not available in time for the Judicial Council to make any specific recommendation in this report. However, the Judicial Council continues to recommend that the administration of this fund be transferred to an office that is organized to handle a fund as large as the Indigent Defense Fund has become.

JUDICIAL STATISTICS

JULY 1, 1978 to JUNE 30, 1980

JUDICIAL STATISTICS

JULY 1, 1978 to JUNE 30, 1980

The following statistics have been provided to the Judicial Council by the courts of the State. Over the past few years the Judicial Council has responded to requests to change the format and the reporting periods of the court statistics. With this report the reporting dates have been changed to coincide with the fiscal year, beginning on July 1 and ending on June 30.

Because of the change in reporting dates and formats, some of the figures in the Superior Court statistics in this report had to be estimated. For this reason, we advise that these figures not be regarded as precise counts. Where there are dash marks in the following charts, the information was not available. The individual reports are on file and available in the Judicial Council office, Room 6, in the State House.

The method of counting every case for the yearly report to the Judicial Council has been very time-consuming and complicated for the clerks of court. In an effort to reduce this burden, the Judicial Council intends to simplify the reporting process -- in the belief that a simple task is more likely to produce an accurate result. This year the Superior Courts, for example, have adopted a new docketing system so that each new criminal case in each of the ten courts is assigned the letter "S" and is numbered serially beginning with the number "1" in January of each year. Each new civil case is assigned the letter "C", each equity case the letter "E", and each marital case "M". The Judicial Council will use this counting method for gross volume statistics. More refined information can be obtained by color-coding files or by taking samples, prospects which we are now explor ng with representatives of the courts. Furthermore, since this procedure is continuous in the courts, it may be possible for the Judicial Council in the future to report more frequently to the General Court on the workload of the courts.

SUPREME COURT STATISTICS

JULY 1, 1978 to JUNE 30, 1979

Total Cases Pending June 30, 1978		155
Appellate Cases Filed or Entered:		
From Superior Courts	219	
From Probate Courts	6	
From District - Municipal Courts	11	
Original Cases Entered	30	
Administrative Appeals	21	
Advisory Opinions	5	
Certification of Questions Under Rule 20	1	
Total Cases Entered During Year		293
Total Cases Disposed of During Year		303
Cases Remaining on Docket June 30, 1979		145

SUPREME COURT STATISTICS

JULY 1, 1979 to JUNE 30, 1980

Total Cases Pending June 30, 1979		145
Appellate Cases Filed or Entered:		
From Superior Courts	481	
From Probate Courts	13	
From District - Municipal Courts	35	
Original Cases Entered	27	
Administrative Appeals	38	
Advisory Opinions	0	
Certification of Questions Under Rule 20	5	
Total Cases Entered During Year		599
Total Cases Disposed of During Year		435
Cases Remaining on Docket June 30, 1980		309

SUPERIOR COURT STATISTICS JULY 1, 1978 to JUNE 30, 1979

	Belknap	Carroll	Cheshire	Coos	Grafton	Hillsborough	Merrimack	Rockingham	Strafford	Sullivan	Total
Criminal Entries											
Indictments	182	141	589	137	145	641	142	575	326	178	3,056
Appeals	222	42	148	49	89	845	224	614	427	46	2,706
Informations	76	2	25	21	20	73	22	72	53	16	380
Total Criminal Entries	480	185	762	207	254	1,559	388	1,261	806	240	6,142
Criminal Dispositions											
Indictments	287	117	323	62	116	702	137	609		129	2,482
Appeals	192	40	207	42	72	853	234	1,960		42	3,642
Informations	28	2	25	19	21	67	19	72		16	269
Complaints Brought Forward	6	22	59	0	11	73	116	214		75	576
Total Criminal Dispositions	513	181	614	123	220	1,695	506	2,855	755	262	7,724
Civil Entries	531	257	258	172	141	2,260	633	1,485	538	198	6,473
Civil Dispositions	436	258	204	150	149	1,707	501	1,401	-	129	4,935
Equity Entries	793	299	658	415	667	2,137	1,798	3,750	894	580	11,991
Equity Dispositions											
Marital, Contested		5	49	67	32	139	119	108	42	14	1,153
Marital, Uncontested	578	137	323	88	563	1,116	542	993	429	182	4,373
Marital Brought Forward		79	274	0	88	433	470	1,349	389	212	3,294
Other Equity/Marital	166	355	191	134	174	727	549	987	0	58	3,341
Equity Brought Forward	7	0	7	0	2	0	0	0	0	0	16
Total Equity Dispositions	751	576	844	289	859	2,415	1,680	3,437	860	466	12,177
Total Dispositions	1,700	1,015	1,662	562	1,228	5,817	2,704	7,693	2,457	857	25,695
Jury Trials	44	5	27	4	13	200	45	54	66	10	468
Judge Trials	656	74	70	184	107	256	380	434	56	93	2,310
Other Hearings	126	317	455	14	316	1,686	1,092	3,013	471	295	7,785
Pleas of Guilty	165	134	304	65	97	735	217	553	316	131	2,717
Nol Prossed	100	15	131	33	76	310	91	314	132	39	1,241
Dismissed	100	84	104	97	144	1,649	159	335	75	94	2,841
Defaulted	55	101	40	57	32	111	153	379	29	27	984
Other Dispositions	454	210	531	118	534	870	1,019	3,543	968	290	8,537

SUPERIOR COURT STATISTICS JULY 1, 1979 to JUNE 30, 1980

	Belknap	Carroll	Cheshire	Coos	Grafton	Hillsborough	Merrimack	Rockingham	Strafford	Sullivan	Total
Criminal Entries											
Indictments	142	227	204	77	155	735	530	711	500	179	3,460
Appeals	69	129	211	25	117	815	278	625	590	46	2,905
Informations	24	33	30	19	18	60	52	146	103	7	492
Total Criminal Entries	235	389	445	121	290	1,610	860	1,482	1,193	232	6,857
Criminal Dispositions											
Indictments	229	211	440	123	79	660	338	738	419	132	3,369
Appeals	131	132	200	56	99	931	354	875	516	33	3,327
Informations	21	33	30	20	20	55	0	146	97	7	429
Complaints Brought Forward	107	5	63	10	10	72	0	131	108	18	524
Total Criminal Dispositions	488	381	733	209	208	1,718	692	1,890	1,140	190	7,649
Civil Entries	497	305	251	120	214	2,496	622	1,488	551	158	6,702
Civil Dispositions	553	301	222	159	338	3,639	864	1,887	524	157	8,644
Equity Entries	777	315	659	366	694	1,748	1,808	2,254	928	426	9,975
Equity Dispositions											
Marital, Contested		13	50	73	38	169	46	157		43	
Marital, Uncontested	524	153	358	194	485	1,582	524	1,328	736	145	
Marital Brought Forward		70	321	0	120	812	446	1,270	456	105	
Other Equity/Marital	194	335	112	113	162	426	780	426	189	483	
Equity Brought Forward	0	0	8	0	5	353	0	25	8	0	
Total Equity Dispositions	718	571	849	380	810	3,342	1,796	3,206	1,389	776	13,837
Total Dispositions	1,759	1,253	1,804	748	1,356	10,008	4,052	6,983	3,053	1,123	32,139
Jury Trials	22	12	24	5	8	168	52	115	61	13	480
Judge Trials	743	216	94	141	66	399	280	707	71	246	2,963
Other Hearings	94	153	515	156	571	2,930	1,960	2,699	644	404	10,126
Pleas of Guilty	140	178	322	80	52	601	772	849	445	78	3,517
Nol Prossed	0	97	228	100	72	331	174	379	282	52	1,715
Dismissed	22	26	154	189	125	3,920	298	257	177	192	5,360
Defaulted	30	110	117	41	67	122	322	420	69	15	1,313
Other Dispositions	670	400	442	136	395	1,537	84	1,776	1,304	139	6,883

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DISTRICT COURT CRIMINAL CASE ENTRIES

JULY 1, 1978 to JUNE 30, 1979

Court	Motor Vehicle Violations	Other Violations	Misdemeanors	Felonies	Total
Auburn	1,837	147	295	64	2,343
Berlin	897	77	357	21	1,352
Claremont	2,434	363	331	90	3,218
Colebrook	928	59	189	22	1,198
Concord	10,570	834	1,108	224	12,736
Conway	2,818	46	1,041	35	3,940
Derry	4,878	168	900	93	6,039
Dover	4,960*	64*	841*	75*	5,940
Durham	1,753	86	384	26	2,249
Exeter	3,524	162	636	79	4,401
Franklin	2,078*	320*	693*	48*	3,139*
Goffstown	1,885	168	387	63	2,503
Gorham	761	59	164	6	990
Hampton	5,702*	1,089*	2,033*	86*	8,910*
Hanover	1,087	76	190	63	1,416
Haverhill	475	47	289	80	891
Henniker	1,522	28	183	10	1,743
Hillsborough	1,385	191	289	21	1,886
Hooksett	2,998	80	417	35	3,530
Jaffrey	2,815*	168*	344*	45*	3,372
Keene	6,776	2,218	1,634	260	10,888
Laconia	6,216	705	3,102	401	10,424
Lancaster	1,084	54	182	19	1,339
Lebanon	3,673	278	984	47	4,982
Lincoln	1,029	75	119	8	1,231
Littleton	1,601	164	346	19	2,130
Manchester	7,398	19,454	3,018	577	30,447
Merrimack	6,224	126	1,488	56	7,894
Milford	3,608	536	559	41	4,744
Nashua	10,442*	2,684*	3,376*	312*	16,814*
New London	2,647	24	284	14	2,969
Newport	4,091	244	417	71	4,823
Ossipee	2,392	117	435	38	2,982
Peterborough	2,403	91	330	66	2,890
Plaistow	1,932	87	428	54	2,501
Plymouth	1,880	352	426	18	2,676
Portsmouth	2,898	329	893	89	4,209
Rochester	2,382	344	1,376	90	4,192
Salem	6,010*	446*	1,315*	117*	7,888*
Somersworth	1,043	200	297	43	1,583
Wolfeboro	962	96	392	21	1,471
TOTAL	131,998	32,856	32,472	3,547	200,873

*Estimate

DISTRICT COURT CRIMINAL CASE ENTRIES

JULY 1, 1979 to JUNE 30, 1980

Court	Motor Vehicle Violations	Other Violations	Misdemeanors	Felonies	Total
Auburn	2,277	139	180	28	2,624
Berlin	786	63	305	27	1,181
Claremont	2,657	261	509	139	3,566
Colebrook	1,065	116	108	32	1,321
Concord	11,770	1,045	1,895	306	15,016
Conway	3,132	36	1,011	50	4,229
Derry	5,819*	256*	1,020*	101*	7,196
Dover	4,769*	141*	1,828*	137*	6,875
Durham	1,809	120	367	19	2,315
Exeter	3,635	174	546	109	4,464
Franklin	2,567*	370*	738*	72*	3,747*
Goffstown	2,816	214	412	46	3,488
Gorham	788	82	64	6	940
Hampton	7,134*	1,545*	1,680*	52*	10,411
Hanover	920	106	186	53	1,265
Haverhill	545*	90*	251*	17*	903
Henniker	1,584	145	172	16	1,917
Hillsborough	1,250	110	272	16	1,648
Hooksett	3,589	128	391	37	4,145
Jaffrey	3,133	90	192	50	3,465
Keene	9,339*	2,398*	2,198*	228*	14,163
Laconia	9,263*	1,167*	2,656*	309*	13,395
Lancaster	995	26	72	11	1,104
Lebanon	3,088	159	511	56	3,814
Lincoln	573	68	94	0	735
Littleton	1,523*	202*	327*	10*	2,062
Manchester	7,994	17,215	2,866	590	28,665
Merrimack	5,025*	73*	721*	49	5,868
Milford	5,074	192	664	72	6,002
Nashua	16,618*	3,713*	4,630*	483	25,444
New London	3,812	10	173	16	4,011
Newport	2,603	304	547	54	3,508
Ossipee	2,399	100	328	33	2,860
Peterborough	1,827	46	156	36	2,065
Plaistow	2,372	206	348	43	2,969
Plymouth	1,563	354	380	55	2,352
Portsmouth	4,903*	238*	810*	90*	6,041
Rochester	3,100	87	1,705	87	4,979
Salem	6,035*	437*	1,155*	148*	7,775*
Somersworth	993	299	329	70	1,691
Wolfeboro	1,143	147	360	16	1,666
TOTAL	152,287	32,672	33,157	3,769	221,885

*Estimate

MUNICIPAL COURT CRIMINAL CASE ENTRIES

JULY 1, 1978 to JUNE 30, 1979

Court	Motor Vehicle Violations	Other Violations	Misdemeanors	Felonies	Total
Alton[1]					
Bethlehem	227	19	3	2	251
Bristol	578	87	76	2	743
Canaan	375	24	126	16	541
Epping	1,130	35	95	4	1,264
Farmington	422	59	157	37	675
Greenville	164	33	0	3	200
Hinsdale	344	15	5	1	365
Loudon[2]	300	10	37	10	357
Meredith[1]					
Newmarket	490	79	106	0	675
Northumberland	187	14	48	1	250
Pelham	499	66	64	3	632
Pittsfield	264	18	96	11	389
Rye	374	101	33	1	509
Whitefield	231	37	57	2	327
Wilton	923	23	89	9	1,044
TOTAL	6,508	620	992	102	8,222

1. Alton and Meredith Municipal Courts have been absorbed by the Laconia District Court.

2. Estimate

MUNICIPAL COURT CRIMINAL CASE ENTRIES

JULY 1, 1979 to JUNE 30, 1980

Court	Motor Vehicle Violations	Other Violations	Misdemeanors	Felonies	Total
Alton[1]					
Bethlehem	263	72	7	1	343
Bristol	647	155	97	0	899
Canaan	310	5	75	6	396
Epping	1,093	44	82	5	1,224
Farmington	331	39	193	17	580
Greenville	153	96	16	1	266
Hinsdale	371	15	12	0	398
Loudon[2]	389	8	37	2	436
Meredith[1]					
Newmarket	708	113	94	9	924
Northumberland	222	60	64	8	354
Pelham	534	7	29	9	579
Pittsfield	98	21	129	9	257
Rye	576	108	83	10	777
Whitefield	283	41	24	6	354
Wilton	690	8	74	4	776
TOTAL	6,668	792	1,016	87	8,563

1. Alton and Meredith Municipal Courts have been absorbed by the Laconia District Court.

2. Estimate

DISTRICT COURT CIVIL CASE ENTRIES

JULY 1, 1978 to JUNE 30, 1979

Court	Writs	Landlord & Tenant	Small Claims	Total
Auburn	92	18	223	333
Berlin	15	6	256	277
Claremont	94	39	495	628
Colebrook	7	0	166	173
Concord	438	81	2,322	2,841
Conway	142	7	770	919
Derry	252	87	666	1,005
Dover	202	47	844	1,093
Durham	15	2	122	139
Exeter	187	58	1,544	1,789
Franklin	55	9	524	588
Goffstown	64	6	199	269
Gorham	4	1	116	121
Hampton	142	51	378	571
Hanover	16	3	196	215
Haverhill	10	0	540	550
Henniker	19	2	107	128
Hillsborough	32	8	165	205
Hooksett	76	63	208	347
Jaffrey	19	6	89	114
Keene	333	92	1,557	1,982
Laconia	222	39	1,178	1,439
Lancaster	36	9	52	97
Lebanon	82	24	324	430
Lincoln	8	0	51	59
Littleton	40	7	412	459
Manchester	773	429	2,717	3,919
Merrimack	127	16	403	546
Milford	137	21	448	606
Nashua	734	445	5,152	6,331
New London	8	1	323	332
Newport	71	21	205	297
Ossipee	27	0	93	120
Peterborough	37	17	303	357
Plaistow	122	21	451	594
Plymouth	62	10	312	384
Portsmouth	170	194	738	1,102
Rochester	146	34	535	715
Salem	184*	213*	467*	864*
Somersworth	50	30	278	358
Wolfeboro	34	6	201	241
TOTAL	5,284	2,123	26,130	33,537

*Estimate

DISTRICT COURT CIVIL CASE ENTRIES

JULY 1, 1979 to JUNE 30, 1980

Court	Domestic Violence Petitions[1]	Writs	Landlord & Tenant	Small Claims	Total
Auburn	1	81	9	289	380
Berlin		24	11	265	300
Claremont	16	102	33	581	732
Colebrook		14	0	119	133
Concord		578	111	2,306	2,995
Conway	8	123	11	836	978
Derry		331	54	788	1,173
Dover	11	190	58	754	1,013
Durham		79	3	158	240
Exeter		129	41	1,299	1,469
Franklin	14	80	10	836	940
Goffstown		88	6	290	384
Gorham		0	0	181	181
Hampton		211	75	384	670
Hanover		33	6	448	487
Haverhill	2	19	1	326	348
Henniker	1	35	2	162	200
Hillsborough	32	37	7	195	271
Hooksett		92	71	201	364
Jaffrey	5	98	12	135	250
Keene	45	459	73	1,284	1,861
Laconia		281	64	1,430	1,775
Lancaster		52	6	150	208
Lebanon		122	21	337	480
Lincoln		9	1	87	97
Littleton	8	47	4	444	503
Manchester		1,051	434	3,330	4,815
Merrimack		180	14	405	599
Milford		171	25	478	674
Nashua	110	1,194	425	4,486	6,215
New London		14	3	278	295
Newport		104	23	231	358
Ossipee	3	36	0	303	342
Peterborough	6	61	7	273	347
Plaistow	3	108	20	354	485
Plymouth		40	13	338	391
Portsmouth	60	150	173	610	993
Rochester		181	33	748	962
Salem	42*	232*	215*	405*	894*
Somersworth	3	72	38	247	360
Wolfeboro	—	21	2	259	282
TOTAL	370	6,929	2,115	27,030	36,444

1. Courts are not required to submit Domestic Violence statistics as a separate entry.

*Estimate

MUNICIPAL COURT CIVIL CASE ENTRIES

JULY 1, 1978 to JUNE 30, 1979

Court	Writs	Landlord & Tenant	Small Claims	Total
Alton[1]				
Bethlehem	0	0	12	12
Bristol	0	0	53	53
Canaan	4	0	4	8
Epping	0	0	44	44
Farmington	0	10	70	80
Greenville	0	2	3	5
Hinsdale	0	0	0	0
Loudon[2]	0	0	2	2
Meredith[1]				
Newmarket	0	0	21	21
Northumberland	0	0	72	72
Pelham	0	0	87	87
Pittsfield	0	6	127	133
Rye	0	0	16	16
Whitefield	2	0	92	94
Wilton	0	0	63	63
TOTAL	6	18	666	690

1. Alton and Meredith Municipal Courts have been absorbed by the Laconia District Court.

2. Estimate

MUNICIPAL COURT CIVIL CASE ENTRIES

JULY 1, 1979 to JUNE 30, 1980

Court	Writs	Landlord & Tenant	Small Claims	Total
Alton[1]				
Bethlehem	0	0	17	17
Bristol	0	2	60	62
Canaan	0	0	46	46
Epping	0	0	23	23
Farmington	0	4	59	63
Greenville	0	0	15	15
Hinsdale	0	0	0	0
Loudon[2]	0	1	14	15
Meredith[1]				
Newmarket	2	1	30	33
Northumberland	0	0	131	131
Pelham	0	0	110	110
Pittsfield	0	2	143	145
Rye	0	0	13	13
Whitefield	0	0	71	71
Wilton	0	0	54	54
TOTAL	2	10	786	798

1. Alton and Meredith Municipal Courts have been absorbed by the Laconia District Court.

2. Estimate

DISTRICT COURT JUVENILE CASE ENTRIES

JULY 1, 1978 to JUNE 30, 1979

Court	Abused/Neglected Children	Delinquent Children	CHINS	Total
Auburn	7	47	2	56
Berlin	2	73	6	81
Claremont	24	110	7	141
Colebrook	16	20	0	36
Concord	21	118	7	146
Conway	1	89	0	90
Derry	12	111	23	146
Dover	5*	235*	0*	240
Durham	0	48	3	51
Exeter	1	49	36	86
Franklin	3*	161*	13*	177*
Goffstown	4	60	5	69
Gorham	0	21	0	21
Hampton	1	213	28	242
Hanover	0	32	1	33
Haverhill	2	136	0	138
Henniker	0	37	2	39
Hillsborough	1	38	6	45
Hooksett	8	19	2	29
Jaffrey	5	29	3	37
Keene	25	211	14	250
Laconia	35	462	21	518
Lancaster	19	83	0	102
Lebanon	4	35	3	42
Lincoln	2	24	0	26
Littleton	5	47	8	60
Manchester	152	995	72	1,219
Merrimack	6	326	3	335
Milford	8	102	5	115
Nashua	60	825	155	1,040
New London	0	0	26	26
Newport	11	102	12	125
Ossipee	3	76	2	81
Peterborough	4	25	0	29
Plaistow	17	57	5	79
Plymouth	3	53	1	57
Portsmouth	5	100	34	139
Rochester	17	107	18	142
Salem	19*	184*	51*	254*
Somersworth	6	154	11	171
Wolfeboro	4	76	14	94
TOTAL	518	5,690	599	6,807

*Estimate

DISTRICT COURT JUVENILE CASE ENTRIES

JULY 1, 1979 to JUNE 30, 1980

Court	Abused/Neglected Children	Delinquent Children	CHINS	Total
Auburn	1	58	4	63
Berlin	4	71	4	79
Claremont	4	196	5	205
Colebrook	0	37	3	40
Concord	54*	205*	24*	283
Conway	3	49	0	52
Derry	28*	227*	17*	272
Dover	18	186	13	217
Durham	1	17	4	22
Exeter	12	66	20	98
Franklin	6	242	16	264
Goffstown	5	124	9	138
Gorham	0	26	0	26
Hampton	13	295	36	344
Hanover	17	36	3	56
Haverhill	5*	46*	0*	51
Henniker	0	14	2	16
Hillsborough	1	34	8	43
Hooksett	7	30	3	40
Jaffrey	1	62	0	63
Keene	23	315	10	348
Laconia	76*	332*	26*	434
Lancaster	11	85	4	100
Lebanon	8	44	9	61
Lincoln	6	32	0	38
Littleton	7*	46*	15*	68
Manchester	118	944	118	1,180
Merrimack	2	269	9	280
Milford	9	102	15	126
Nashua	51	1,059	84	1,194
New London	0	0	9	9
Newport	3	118	8	129
Ossipee	0	85	6	91
Peterborough	2	34	0	36
Plaistow	5	127	7	139
Plymouth	1	46	5	52
Portsmouth	6	93	28	127
Rochester	25	91	0	116
Salem	6*	178*	38*	222*
Somersworth	10	104	24	138
Wolfeboro	1	188	14	203
TOTAL	550	6,313	600	7,463

*Estimate

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PLEASE NOTE: *This sheet is a correction of pages 34 and 35 as they appear in the Report.*

PROBATE COURT STATISTICS JULY 1, 1978 to JUNE 30, 1979

	Belknap	Carroll	Cheshire	Coos	Grafton	Hillsborough	Merrimack	Rockingham	Strafford	Sullivan	Total
New Files Opened:											
Adoptions	38	10	60	29	37	225	64	198	61	31	753
Change of Names	30	8	44	14	29	156	67	112	51	11	522
Involuntary Commitments	1	5	2	2	1	6	143	3	0	1	164
Conservators Appointed	9	6	9	9	7	23	11	41	16	8	139
Guardians Appointed:											
a. Incompetents	44	14	18	13	34	98	92	37	20	20	390
b. Minors	9	4	17	11	9	60	19	64	27	18	238
Wills Allowed	169	38	228	92	180	849	328	473	347	123	2827
Administrations Allowed	167	74	64	48	243	164	140	193	63	39	1195
Voluntary Administrations	35	15	46	29	50	88	84	103	65	34	549
Marriage Waivers Granted	51	53	130	36	100	553	155	515	109	44	1746
Inheritance Tax Receipt Where No Administration of Estate	1	7	1	0	0	1	2	8	8	0	28
Death Certificate Where No Administration of Estate	0	3	0	24	0	0	0	77	14	1	119
Petitions to File and Record Authenticated Copy of Will	15	32	30	9	22	23	18	54	11	5	219
Termination of Parental Rights	12	0	16	8	10	0	9	53	18	2	128
Relinquishment of Parental Rights	7	1	13	7	5	49	14	10	42	5	153
Other	0	2	0	1	0	1	1	2	0	0	7
TOTAL	588	272	678	332	727	2296	1147	1943	852	342	9177
Trustees Appointed	16	9	10	16	12	38	10	29	13	7	162
Inquisitions	31	12	11	9	24	84	99	37	21	22	350
Accounts Allowed:											
a. Administrators & Executors	189	201	223	173	322	742	603	732	236	148	3569
b. Guardians & Conservators	101	73	123	74	86	294	268	294	146	89	1548
c. Trustees	96	108	108	47	123	382	347	276	99	78	1664
TOTAL ACCOUNTS	386	382	454	294	531	1418	1218	1302	481	315	6781
Licenses Issued:											
a. Goods and Chattels	1	2	0	0	2	1	6	16	0	2	30
b. Stocks and Bonds	0	3	1	0	4	2	11	35	14	1	71
c. Real Estate	9	14	9	9	70	40	28	68	39	17	303
d. Miscellaneous	4	5	0	0	53	0	1	4	14	3	84
TOTAL LICENSES	14	24	10	9	129	43	46	123	67	23	488

BEST AVAILABLE COPY

PROBATE COURT STATISTICS JULY 1, 1979 to JUNE 30, 1980

	Belknap	Carroll	Cheshire	Coos	Grafton	Hillsborough	Merrimack	Rockingham	Strafford	Sullivan	Total
New Files Opened:											
Adoptions	37	17	50	14	26	201	87	201	51	33	717
Change of Names	36	11	56	14	38	171	75	138	49	31	619
Involuntary Commitments	0	4	5	0	1	3	135	1	3	4	156
Conservators Appointed	8	5	6	6	7	22	40	6	5	4	109
Guardians Appointed:											
a. Incompetents	31	6	2	1	21	28	72	34	16	8	239
b. Minors	15	2	18	9	15	45	30	52	10	9	205
Wills Allowed	165	143	227	97	186	822	433	503	261	139	2976
Administrations Allowed	174	54	69	49	247	191	107	231	77	28	1227
Voluntary Administrations	44	15	41	23	39	119	151	126	66	29	653
Marriage Waivers Granted	27	48	75	26	60	369	194	526	60	31	1416
Inheritance Tax Receipt Where No Administration of Estate	2	7	0	1	1	1	0	13	3	0	28
Death Certificate Where No Administration of Estate	0	0	0	24	0	0	0	84	7	0	115
Petitions to File and Record Authenticated Copy of Will	18	41	18	8	27	17	28	54	6	17	234
Termination of Parental Rights	12	1	8	7	10	0	15	31	11	1	96
Relinquishment of Parental Rights	5	0	6	3	4	34	12	11	50	6	131
Other	0	2	0	13	0	0	0	0	0	0	15
TOTAL	594	356	581	295	682	2023	1379	2011	675	340	8936
Trustees Appointed	14	8	26	6	22	41	35	34	15	4	205
Inquisitions	20	0	0	0	8	4	21	7	3	0	63
Accounts Allowed:											
a. Administrators & Executors	184	214	251	149	288	733	706	755	315	108	3703
b. Guardians & Conservators	36	81	153	80	119	314	325	301	136	43	1638
c. Trustees	97	110	105	49	131	420	408	286	148	71	1815
TOTAL ACCOUNTS	357	405	509	278	538	1467	1439	1342	599	222	7156
Licenses Issued:											
a. Goods and Chattels	0	2	6	0	5	2	4	20	1	1	41
b. Stocks and Bonds	1	2	0	0	3	6	5	25	2	1	45
c. Real Estate	12	16	14	8	106	33	10	72	31	11	313
d. Miscellaneous	4	6	2	0	76	0	4	3	7	14	116
TOTAL LICENSES	17	26	22	8	190	41	23	120	41	27	515

MUNICIPAL COURT JUVENILE CASE ENTRIES

JULY 1, 1978 to JUNE 30, 1979

Court	Abused/Neglected Children	Delinquent Children	CHINS	Total
Alton[1]				
Bethlehem	0	4	0	4
Bristol	0	14	1	15
Canaan	1	19	0	20
Epping	0	12	0	12
Farmington	5	20	12	37
Greenville	0	19	0	19
Hinsdale	0	0	0	0
Loudon[2]	0	0	0	0
Meredith[1]				
Newmarket	0	0	5	5
Northumberland	2	1	5	8
Pelham	0	18	0	18
Pittsfield	2	7	5	14
Rye	0	4	0	4
Whitefield	1	9	0	10
Wilton	0	12	3	15
TOTAL	11	139	31	181

1. Alton and Meredith Municipal Courts have been absorbed by the Laconia District Court.

2. Estimate

MUNICIPAL COURT JUVENILE CASE ENTRIES

JULY 1, 1979 to JUNE 30, 1980

Court	Abused/Neglected Children	Delinquent Children	CHINS	Total
Alton[1]				
Bethlehem	0	0	0	0
Bristol	0	0	0	0
Canaan	0	0	0	0
Epping	1	7	0	8
Farmington	0	10	3	13
Greenville	0	4	0	4
Hinsdale	0	0	0	0
Loudon[2]	0	0	0	0
Meredith[1]				
Newmarket	0	0	2	2
Northumberland	0	2	0	2
Pelham	0	0	0	0
Pittsfield	0	1	1	2
Rye	0	4	0	4
Whitefield	0	0	0	0
Wilton	1	6	4	11
TOTAL	2	34	10	46

1. Alton and Meredith Municipal Courts have been absorbed by the Laconia District Court

2. Estimate

DISTRICT AND MUNICIPAL COURTS

CASELOAD INCREASE 1969 - 1979

Population Increase in the State of New Hampshire:

1970	737,578	Increase of 181,249, or 25%
1980	918,827	

- - - - -

Criminal Caseload Increase

1969	71,685	Increase of 134,413, or 187.5%
1979	206,098	

- - - - -

Civil Caseload Increase

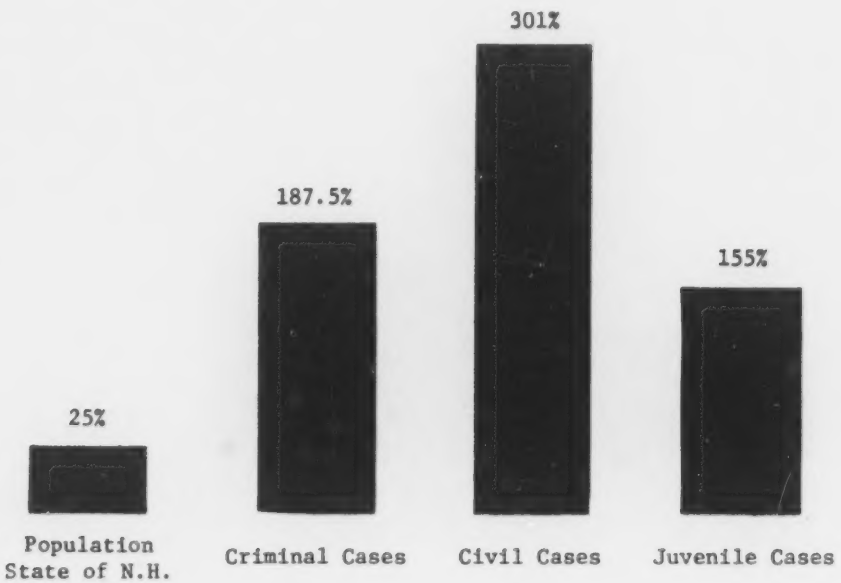
1969	8,742	Increase of 26,352, or 301%
1979	35,094	

- - - - -

Juvenile Caseload Increase

1969	2,681	Increase of 1,737, or 155%
1979	4,418	

- - - - -



DISTRICT AND MUNICIPAL COURTS

TOTAL CRIMINAL CASELOAD 1969 - 1979

Year	Cases Entered	Annual Percentage Increase or Decrease
1969	71,686	
1970	82,955	15.7
1971	104,009	25.3
1972	116,426	11.9
1973	126,961	9.0
1974	145,367	14.4
1975	137,449	-5.0
1976	146,084	6.0
1977	161,970	10.8
1978	193,865	19.6
1979	206,098	6.3

Information provided by the Administrative Committee of District and Municipal Courts

DISTRICT AND MUNICIPAL COURTS

TOTAL CIVIL CASELOAD 1969 - 1979

Year	Cases Entered	Annual Percentage Increase or Decrease
1969	8,742	
1970	10,832	26.9
1971	11,996	32.5
1972	13,025	8.5
1973	14,124	16.0
1974	-	-
1975	-	-
1976	23,929	69.0
1977	26,429	10.0
1978	30,842	26.0
1979	35,094	14.0

Information provided by the Administrative Committee
of District and Municipal Courts

DISTRICT AND MUNICIPAL COURTS

TOTAL JUVENILE CASELOAD 1969 - 1979

Year	Abused/Neglected Children	Annual Percentage Increase or Decrease	Delinquent Children	Annual Percentage Increase or Decrease	CHINS
1969	216		2,465		
1970	280	29	2,461	1	
1971	345	23	2,551	3	
1972	378	9	2,456	-3	
1973	365	-3	3,355	36	
1974	-	-	-	-	
1975	546	49	3,872	15	
1976	436	-20	4,021	3	489
1977	488	12	4,776	19	531
1978	489	0	5,493	15	483
1979	529	8	6,409	17	688

Abused/Neglected Children - 150% Increase in ten years

Delinquent Children - 160% Increase in ten years

Information provided by the Administrative Committee of District and Municipal Courts